

E-Filed on November 16, 2006

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Attorneys for Standard Property Development, LLC

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Chapter 11  
Jointly Administered Under  
Case No. BK-S-06-10725 LBR

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

Bankruptcy Appellate Panel

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

No. \_\_\_\_\_

In re:  
USA SECURITIES, LLC  
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Co.
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC

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- ☐ USA Capital Diversified Trust Deed  
☒ USA First Trust Deed Fund, LLC
- 

**AMENDED<sup>1</sup> NOTICE OF APPEAL**

1. Notice is hereby given that the (check only one box)

☐ Plaintiff ☐ Defendant or ☒ Other Party

Movant, Standard Property Development, LLC, appeals under 28 U.S.C. §158(a) from the Order Denying Motion for Relief from Automatic Stay filed by Standard Property Development of October 19, 2006 and entered on the docket on the 30<sup>th</sup> day of October, 2006.

2. The names of all parties to the judgment, order, or decree appealed from and the names, addresses, telephone and fax numbers of their respective attorneys are as follows:

(a) USA Commercial Mortgage Company and USA Capital First Trust Deed Fund, LLC represented by:

Lenard E. Schwartz, Nevada Bar No. 0399  
Jeanette E. McPherson, Nevada Bar No. 5423  
Schwartz & McPherson Law Firm  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Telephone: 702-228-7590  
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Email: bkfilings@s-mlaw.com

(b) Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC, represented by:

Frank A. Marola, Esq.  
Eve H. Karasek, Esq.  
Christine M. Pajak, Esq.  
Stutman, Treister & Glatt  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, CA 90067  
(310) 228-5600  
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<sup>1</sup> Amended solely to attached a copy of the Order Denying Motion for Relief from Automatic Stay filed by Standard Property Development from which the appeal is taken as provided by BAP R. 8001(a)-1.

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and  
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(c) OFFICIAL COMMITTEE OF EXECUTORY CONTRACT HOLDERS OF  
USA COMMERCIAL MORTGAGE COMPANY, represented by:

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(d) OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA  
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(e) OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR USA  
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(f) STANDARD PROPERTY DEVELOPMENT, LLC:

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Dated: November 16, 2006

/s/Andrew M. Brumby

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ATTORNEYS FOR STANDARD PROPERTY  
DEVELOPMENT, LLC



Entered on Docket  
October 30, 2006

*Linda B. Riegler*

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR  
Chapter 11

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

**ORDER DENYING MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
FILED BY STANDARD PROPERTY  
DEVELOPMENT, LLC**

In re:  
USA SECURITIES, LLC,  
Debtor.

**(AFFECTS USA COMMERCIAL  
MORTGAGE COMPANY and USA  
FIRST TRUST DEED FUND)**

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC

Date: October 19, 2006  
Time: 9:30 a.m.

Standard Property Development, LLC's ("SPD"), MOTION FOR RELIEF FROM  
AUTOMATIC STAY (the "Motion") and USA Commercial Mortgage Company's ("USACM"),

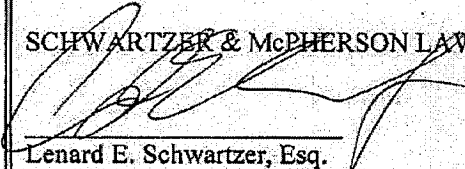
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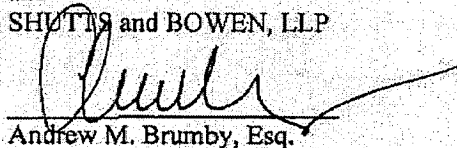
1 APPLICATION FOR ISSUANCE OF PRELIMINARY INJUNCTION (the "Application"),  
2 having come before this Court pursuant to the stipulation of the parties and after due notice as  
3 required by law; USACM and USA Capital First Trust Deed Fund, LLC ("First Fund") being  
4 represented by and through its counsel Lenard E. Schwartzter, Esq. of Schwartzter & McPherson  
5 Law Firm and SPD being represented by and through its counsel, Andrew M. Brumby, Esq. and  
6 Lee D. Mackson, Esq. of Shutts & Bowen, LLP, the Court having considered the brief's on file  
7 with regard to the Application and the Motion, the Court having heard the arguments of counsel,  
8 and the Court having made its findings of fact and conclusions of law on the record pursuant to  
9 Bankruptcy Rule 7052 and FRCP Rule 52,

10 IT IS ORDERED that the Motion be, and hereby is, denied.

11  
12 SCHWARTZER & MCPHERSON LAW FIRM

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15 Lenard E. Schwartzter, Esq.  
16 2850 S. Jones Blvd., Suite 1  
17 Las Vegas, NV 89146  
18 Attorneys for Debtors  
19 and Debtors in Possession  
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STEPHENS GOURLEY & BYWATER  
and  
SHUTTS and BOWEN, LLP

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19 Attorneys for Standard Property  
20 Development, LLC  
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